

AGREEMENT

THIS AGREEMENT entered into this _____ day of _____, 1979, by and between the City of Boston, a municipal corporation of the Commonwealth of Massachusetts, acting by the Edward Ingersoll Browne Commission, (The Commission), a public Charitable body established by Chapter 5, of the City of Boston Ordinances of 1975, and the Boston Redevelopment Authority (The Authority), a public body, politic and corporate, established under the provisions of Chapter 121 B of the Massachusetts General Laws, (Ter.Ed.), as amended.

WHEREAS, the Commission after consulting with the Browne Fund Committee consisting of the following: a member of the Boston Society of Landscape Architects, a member of the Art Commission, the Parks & Recreation Commissioner and the Public Works Commissioner, has proposed certain projects to be erected and funded according to the testamentary wishes of the late Edward Ingersoll Browne, and

WHEREAS, by Order of the City Council of the City of Boston, dated September 13, 1978, the Commission has received an appropriation to be met by the accumulated income of the Edward Ingersoll Browne Fund, and

WHEREAS, the Commission desires to facilitate achievement of the goals of the late Edward Ingersoll Browne, in part, by erecting 25 to 30 Free Standing Markers honoring famous Bostonians, and

WHEREAS, the Commission recognizes its need for professional, engineering and architectural expertise in the carrying out and the managing of the

erection of the Free Standing Markers; and

WHEREAS, the Authority by its director and his professional staff and personnel have the necessary resources and appropriate facilities to complete the restoration according to the desires and plans of the Commission.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. The Commission hereby agrees to and does appoint the Authority, its exclusive and sole agent to supervise every phase of the erection of the Free Standing Markers, as indicated in the plans attached hereto as Exhibits A and B,

2. Subject to the approval and confirmation of the members of the Commission, the Authority by its Director shall be and is hereby empowered in the name of the Commission:

(a) To enter into contracts with architects, engineers, general contractors and sub-contractors for the carrying out of the work and repairs necessary for the completion of the Free Standing Markers project.

(b) To draw, supervise and approve of plans and specifications of any kind or nature pertaining to the erection of the Free Standing Markers.

(c) To obtain bills, invoices, and statements for construction and professional work done at the Free Standing Markers project and to have exclusive authority in the approval or disapproval of such bills and statements for payment. When the Authority approves for payment a bill or invoice, subsequent written approval by the Commission shall also be obtained before disbursement of funds of the Commission.

3. The Commission shall upon execution of this Agreement deposit with the Authority funds in the amount of \$90,000.00, to be held for the payment of approved bills and invoices for work carried out under the

restoration program. Any interest of the funds deposited shall inure to the Edward Ingersoll Browne Fund.

4. Upon completion of the Free Standing Markers project the Authority shall return any unexpended funds to the Commission, and shall furnish a written report delineating all costs and expenditures to the Commission.

5. The Commission agrees to indemnify and find harmless the Authority against all claims of whatever nature, arising out of the project.

6. This Agreement shall be terminated upon completion of all phases of the Free Standing Markers Project.

IN WITNESS WHEREOF the said parties hereto set their hands and
seals on this _____ day of _____, 1979.

Edward Ingersoll Browne Commission

by

Kevin H. White - Chairman

Christopher J. Iannella

Lowell L. Richards, III

Boston Redevelopment Authority

by

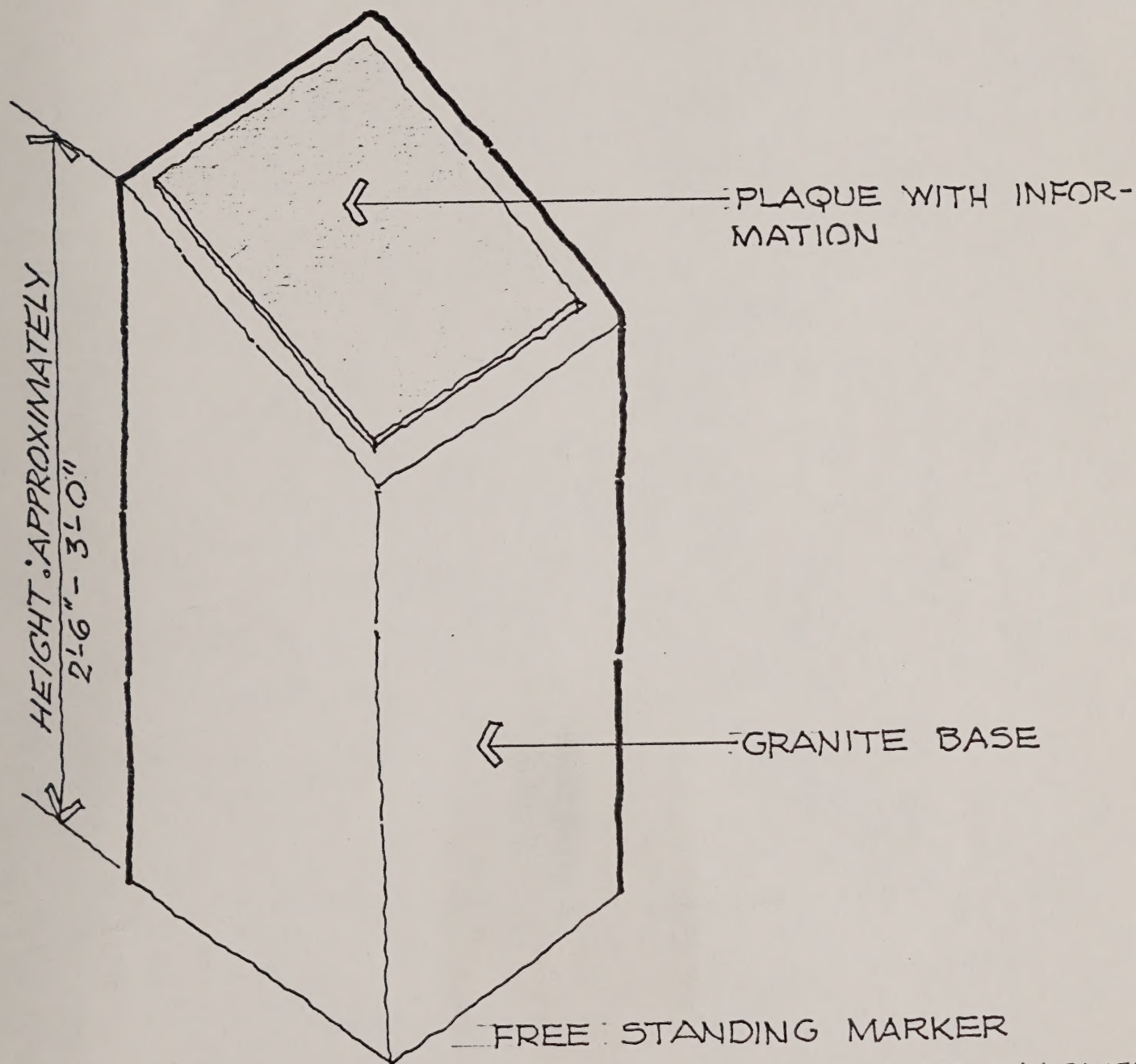
Robert Ryan

Approved as to form:

General Counsel - BRA

Corporation Counsel - City of Boston

EXHIBIT A



SKETCH OF PROPOSED MARKER
(25 TO 30) TO HONOR FAMOUS
BOSTONIANS

EXHIBIT B

The Marker Program will involve 25 Free-Standing Granite Markers, each commemorating a famous Bostonian. The Marker will be 18 inches by 18 inches square 4 feet high, and the written material will be on a slanted upper face, oriented toward the reader. The tablet will be photographically etched on anodized metal, and this plaque will be secured by epoxy into a recess in the granite.

Some typical locations might be:

1. Richard Cardinal Cushing - Cushing Park in the Government Center.
2. Eugene O'Neill - sidewalk outside Public Library.

May 29, 1979

MEMORANDUM

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN

SUBJECT: EDWARD INGERSOLL BROWNE FUND TRUST PROJECT
PERMISSION TO ENTER INTO CONTRACT WITH CITY OF BOSTON ACTING BY THE
BROWNE FUND COMMISSION
ERECTION OF FREE STANDING MARKERS, HONORING FAMOUS BOSTONIANS

In 1901 the City received a bequest from Edward Ingersoll Browne to be used for the "adornment and benefit" of the City through the "erection of statues, monuments, fountains for men and beasts and for the ornament of its streets, ways, squares and parks..." The Browne Fund Commission established by City ordinance in 1975 is responsible to the City for the investment of Browne Trust funds and the release of those funds for proposed projects.

The Commission, Mayor and City Council have appropriated Browne Fund money for the erection of 25 to 30 free standing markers honoring famous Bostonians.

The Commission has requested that the Boston Redevelopment Authority undertake this project because the Authority possesses the necessary professional, engineering, and architectural expertise to do this work.

In order to carry out this role, it will be necessary to enter into a contract with the City of Boston acting by the Browne Fund Commission making the Authority the agent of the Commission responsible for the supervision of all phases of the work, including entering into contracts for professional services and construction, and preparing a report on the use of funds. Under the terms of the proposed contract all funding would be provided by the Browne Fund.

It is recommended that the Authority enter into this contract with the City of Boston acting by the Browne Fund Commission for the erection of these free standing markers honoring famous Bostonians.

VOTED: That the Director is authorized to enter into a contract with the City of Boston acting by the Browne Fund Commission to undertake the erection of 25 to 30 free standing markers honoring famous Bostonians.